

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Wisconsin Central Ltd.,
Petitioner

vs.

Illinois Department of Transportation
and City of Des Plaines, Illinois,
Respondents

Petition of Wisconsin Central Ltd.
seeking an order of the Illinois
Commerce Commission directing that
an additional track and grade crossing
be constructed and that grade crossing
improvements be made at Central Road
(DOT 689678C) on the Wisconsin
Central Ltd. in Des Plaines, Cook
County, Illinois.

T00-0031

ORDER

By the Commission:

On April 14, 2000, Wisconsin Central Ltd. ("the Railroad") filed a verified petition with the Illinois Commerce Commission ("Commission") in the above-captioned matter seeking an order authorizing the construction of an additional track across the existing Central Road (DOT 689678C) crossing the Railroad's tracks in Des Plaines, Cook County, Illinois, naming as Respondents the Illinois Department of Transportation ("IDOT") and the City of Des Plaines, Illinois ("the City").

Pursuant to notice as required by law and the rules and regulations of the Commission, the matter came on for hearing before a duly authorized Hearing Examiner of the Commission on August 1, 2000, at the Commission's offices in Chicago, Illinois. The Railroad and IDOT were represented by counsel. The City did not appear. Henry Humphries of the Railroad Section, Transportation Division of the Commission entered an appearance. At the conclusion of the hearing on the aforementioned date, the record was marked "Heard and Taken."

A proposed order was served upon the parties on or about August 15, 2000. Briefs on exceptions, as filed, were considered herein.

Jerome Iwinski, a licensed engineer associated with Niemeyer & Associates, P.C., which serves as consultant to METRA, testified that the addition will be a three mile extension. Exhibit B, attached to the petition, shows the general configuration of the existing crossing and the proposed changes. The existing crossing surface is made of rubber, flange plank, and asphalt. The existing and the new crossing surface will be concrete. The existing automatic flashing light signals and gates will be relocated.

Traffic information provided revealed that thirty freight trains and ten passenger trains pass the crossing each day. Approximately 10,400 motor vehicles use the crossing. These numbers are not expected to change upon construction of the additional track.

Jack Palloch, who manages new construction, crossing warning devices, and maintenance of signals for the Railroad, testified that there are no interconnect issues at the Central Road crossing.

Thomas Klemm, maintenance manager of the Railroad, testified that the surface at the existing crossing is nearing the end of its useful life. It will be replaced as part of the construction of the additional track. Construction is expected to be complete by September, 2001.

The Commission, having given due consideration to the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) the Wisconsin Central Ltd. is engaged in the transportation of goods for-hire in the State of Illinois and as such, is a rail carrier within the meaning of Chapter 625 ILCS 5/18c-1104(30) of the Illinois Commercial Transportation Law ("Law") as amended;
- (2) the Illinois Department of Transportation exists by virtue of the laws of the State of Illinois;
- (3) the City of Des Plaines is a political subdivision of the State of Illinois;
- (4) matters contained in the prefatory portion of this order are adopted as findings of fact;
- (5) the Wisconsin Central Ltd. proposes the construction of a three (3) mile extension of an existing main line track;
- (6) the additional track is necessary for the efficient operations of freight train operations and METRA passenger train operations, both of which have increased in recent years;

- (7) the Wisconsin Central Ltd. shall bear the full cost of the improvements to the Central Road grade crossing and no funds are requested from the City of Des Plaines or the Grade Crossing Protection Fund of the Motor Fuel Tax Law;
- (8) future maintenance of the grade crossing shall be the responsibility of the Wisconsin Central Ltd.;
- (9) completion of the project is expected by September 30, 2001.

IT IS THEREFORE ORDERED that permission be, and it is hereby granted to the Wisconsin Central Ltd. to construct an additional track across the Central Road crossing in the City of Des Plaines, Cook County, Illinois, to construct a concrete crossing surface, to improve the existing crossing surface to a concrete crossing surface, and to relocate the automatic flashing light signals, gates, and bells as graphically described in Exhibit B.

IT IS FURTHER ORDERED that the cost of the improvements herein approved be, and the same is hereby to be borne entirely by the Wisconsin Central Ltd.

IT IS FURTHER ORDERED that the costs of the future maintenance of the railroad crossings and the safety devices installed thereupon shall be borne by the Wisconsin Central Ltd.

IT IS FURTHER ORDERED that the Wisconsin Central Ltd. is hereby required and directed to proceed with the project herein approved and in all aspects thereof to conform to the requirements of 92 Illinois Administrative Code ("I.A.C.") 1535.

IT IS FURTHER ORDERED that the Wisconsin Central Ltd. shall file Form 1 of 92 I.A.C. 1535 OF THIS Commission showing details of the automatic warning device relocation herein required and shall receive approval thereof by X-Resolution before commencing the work of relocation.

IT IS FURTHER ORDERED that the Wisconsin Central Ltd. shall notify the Director of Processing, Transportation Division of the Commission within six months from the date of this order of the progress they have made toward completion of the crossings.

IT IS FURTHER ORDERED that the work herein approved shall be completed on or before September 30, 2001.

IT IS FURTHER ORDERED that the Wisconsin Central Ltd. shall within five (5) days of the completion of the work herein, file National Inventory Update Report Forms

with the Commission's Director of Processing, Transportation Division, as notices of said completion.

IT IS FURTHER ORDERED that the Commission shall retain jurisdiction for the purpose of issuing any supplemental order or orders as it may deem necessary.

IT IS FURTHER ORDERED that in accordance with Chapter 625 ILCS 5/18c-2201 and 5/18c-2206 of the Illinois Commercial Transportation Law, this is a final order subject to the Administrative Review Law.

By Order of the Commission this 4th day of October, 2000.

EXAMINER	JB
SECTION CHIEF	
Supervisor of Orders	

*Richard L. Mathias*³

Chairman